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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---------------------|-----------------------------------|----------------------|---------------------|------------------|
| 10/506,790 | 09/07/2004 | Alain Jordan | 32201-01060 | 3508 |
| | 7590 07/20/200 ARD, HAMILTON & | EXAMINER | | |
| 11988 EL CAM | IINO REAL, SUITE 2 | LACYK. JOHN P | | |
| SAN DIEGO, CA 92130 | | | ART UNIT | PAPER NUMBER |
| | | | 3735 | |
| | | | | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 07/20/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | |
|-----------------|---------------|--|
| 10/506,790 | JORDAN ET AL. | |
| Examiner | Art Unit | |
| John P. Lacyk | 3735 | |

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| | The MAILING DATE of this communication appe | ars on the cover sheet with the c | orrespondence add | ress |
| THE RE | PLY FILED <u>29 June 2007</u> FAILS TO PLACE THIS APF | LICATION IN CONDITION FOR A | LLOWANCE. | |
| 1. ⊠ The this pla a F | e reply was filed after a final rejection, but prior to or on a sapplication, applicant must timely file one of the followices the application in condition for allowance; (2) a No Request for Continued Examination (RCE) in compliance periods: | the same day as filing a Notice of ving replies: (1) an amendment, aft tice of Appeal (with appeal fee) in | Appeal. To avoid aba fidavit, or other evider compliance with 37 C | nce, which FR 41.31; or (3) |
| a) 🛚 b) 🔲 | · | dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THI | g date of the final rejecti | on. |
| have bee under 37 set forth i may redu | ns of time may be obtained under 37 CFR 1.136(a). The date in filed is the date for purposes of determining the period of ex CFR 1.17(a) is calculated from: (1) the expiration date of the sin (b) above, if checked. Any reply received by the Office late ce any earned patent term adjustment. See 37 CFR 1.704(b) OF APPEAL | tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da | of the fee. The appropri | ate extension fee ce action; or (2) a |
| filir | e Notice of Appeal was filed on A brief in comping the Notice of Appeal (37 CFR 41.37(a)), or any extendition of Appeal has been filed, any reply must be filed MENTS | nsion thereof (37 CFR 41.37(e)), to | avoid dismissal of th | |
| 3. X TI (a) (b) (c) | ne proposed amendment(s) filed after a final rejection, They raise new issues that would require further co They raise the issue of new matter (see NOTE belo They are not deemed to place the application in belo appeal; and/or They present additional claims without canceling a | nsideration and/or search (see NO w); tter form for appeal by materially re corresponding number of finally rej | TE below); | |
| 5. 🔲 A | NOTE: <u>See Continuation Sheet</u> . (See 37 CFR 1.1 ne amendments are not in compliance with 37 CFR 1.1 pplicant's reply has overcome the following rejection(s) ewly proposed or amended claim(s) would be all | 21. See attached Notice of Non-Co | · | |
| 7. X Fo ho Th Cla Cla Cla | n-allowable claim(s). or purposes of appeal, the proposed amendment(s): a) w the new or amended claims would be rejected is pro e status of the claim(s) is (or will be) as follows: aim(s) allowed: aim(s) objected to: aim(s) rejected: 1-14 and 18-22. aim(s) withdrawn from consideration: VIT OR OTHER EVIDENCE | | ill be entered and an e | explanation of |
| be wa | e affidavit or other evidence filed after a final action, bu cause applicant failed to provide a showing of good an is not earlier presented. See 37 CFR 1.116(e). | d sufficient reasons why the affida | vit or other evidence i | s necessary and |
| en sh 10. 🔲 T | e affidavit or other evidence filed after the date of filing tered because the affidavit or other evidence failed to o owing a good and sufficient reasons why it is necessar he affidavit or other evidence is entered. An explanation ST FOR RECONSIDERATION/OTHER | overcome <u>all</u> rejections under appe y and was not earlier presented. S | al and/or appellant fa See 37 CFR 41.33(d)(| ils to provide a 1). |
| • | he request for reconsideration has been considered bu | it does NOT place the application i | n condition for allowa | nce because: |
| | ote the attached Information Disclosure Statement(s). other: | (PTO/SB/08) Paper No(s). | Il fa | |
| | | | John P Lacyk Primary Examiner | • |

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06) Continuation of 3. NOTE: The claims add new limitations not previously claimed (intracorporeal and directly) that would require further search and/or consideration.